

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Patent Application No.: 10/816,890

Attorney Docket No.: Q80886

**AMENDMENTS TO THE DRAWINGS**

Please replace Figs. 8 and 9 with the replacement drawing sheets submitted herewith as  
“Prior Art.” No new matter has been added.

Attachment: Two (2) Replacement Sheets (Figs. 8 and 9)

**REMARKS**

Claims 1-4 are all the claims pending in the application.

Claims 1-4 are rejected.

The Specification and drawings filed July 21, 2004 are both objected by the Examiner.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Hammer (U.S. Patent No. 3,581,174).

The Applicants traverse the rejections and request reconsideration.

***Formal Matters***

The drawings have been objected to because Figs. 8 and 9 should allegedly be marked “prior art.” The Applicants respectfully submit replacement drawings to overcome the objection.

The patent office objects to the Specification and requires that the word “conventional” be replaced by “prior art.” The Applicants respectfully submit that this objection is believed to be unreasonable and not based on US laws or current US patent practice. The word “conventional” is used very frequently in patent applications and in issued patents. The patent office is requested to cite support for its position either in US laws or rules of practice.

***Claim Objections and Rejections under 35 U.S.C. § 112***

The claims have been amended rendering the rejections under section 112 moot.

***Rejections of claims 1-4 under 35 U.S.C. § 102 based on Hammer***

Hammer appears to disclose a relay circuit that reverses the direction of the motor when the motor is in an overload condition. However, Hammer does not appear to disclose (or

suggest) the canceling of the invalidation as in the present invention. The patent office refers to 5:1-29 of Hammer in alleged support for this teaching.

In these sections, Hammer merely discloses that the automatic reversing circuit 52 is disconnected and inoperative **when the window is either in the open or closed position**. This is not believed to be equivalent to the operation of the invalidation canceling section as in the present invention. In fact, Hammer merely teaches reversing the direction of motion and not the subsequent cancellation of the reversing, as in the present invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Hammer does not anticipate (or suggest) the present invention at least because of the significant structural differences noted above.

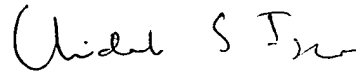
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

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